

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

NOVEMBER 16, 1988

Mr. Michael L. Grove
Hutcheson & Grundy
3300 Citicorp Center
1200 Smith Street
Houston, Texas 77002-4579

Dear Mr. Grove:

This letter responds to your October 25, 1988, correspondence asking the Environmental Protection Agency (EPA) to act on your request for a case-by-case extension of the effective date of the land disposal restrictions applicable to Technical Environmental Systems, Inc., F027 dioxin-containing wastes. Technical Environmental Systems wants to continue storing the wastes in its storage facility until Rollins Environmental Services, Inc., in La Porte, Texas, is granted an amendment to its permit allowing incineration of dioxin-containing wastes. EPA realizes that dioxin-containing wastes pose a special problem for stores since there are no facilities at this time permitted to treat or dispose of these wastes. We have completed a preliminary review of your petition. However, more information is needed before a determination can be made to grant or deny your request. This information is necessary to satisfy the demonstrations for a case-by-case extension of an effective date specified in 40 CFR 268.5.

As required by 40 CFR 268.5(a)(2) the applicant must demonstrate that there is a binding contractual commitment to construct or otherwise provide alternative treatment, recovery, or disposal capacity. The copy of your signed contract does not include Schedule "A" which defines the waste and is a part of the contract. You will have to provide a copy of Schedule "A" which will be used by EPA to determine the scope of the contract.

As specified in 40 CFR 268.5(a)(4) a successful petition must show that the capacity being constructed or otherwise provided will be sufficient to manage the entire quantity of waste that is the subject of the application. Although you state that the alternative capacity can incinerate the entire volume of dioxin-containing wastes you need to provide numerical values for the incinerator capacity and volume of waste being stored. This information will support your general statement.

Under 40 CFR 268.5(a)(5) the petitioner is required to provide a detailed schedule for obtaining required operating and construction permits or an outline of how and when alternative capacity will be available. Your application does not give the requested expiration date of the extension

supported with a schedule for obtaining the necessary operating permits. This material is needed to process your extension request.

As required by 40 CFR 268.5(a)(6) the petitioner must arrange for adequate capacity to manage his waste during an extension period and document in the application the location of all sites at which the waste will be managed. You state that the Storage Facility has adequate capacity to manage the waste during the extension period. To make this demonstration you must provide a numerical value for this capacity which EPA will compare with the volume of waste being stored. You must also provide a map showing the location of the Storage Facility.

EPA is making every effort to process your case-by-case extension petition as quickly as possible. However, this is a rulemaking procedure which for your application has the following minimum schedule:

middle of November	receive additional information on petition
end of November to end of December	write <u>Federal Register</u> notice proposing to grant petition
beginning of January	publish <u>Federal Register</u> notice proposing to grant petition
beginning to end of January	publish comment period
beginning of February	write <u>Federal Register</u> notice granting petition
middle of February	publish <u>Federal Register</u> notice granting petition

To expedite the processing of your petition, please submit the requested information to the following address:

Ms. Barbara McGuinness
Section Chief
Regulation Development Section (OS-333)
U.S. Environmental Protection Agency
401 M Street, SW
Washington, DC 20460

Should you have any questions, please call Barbara McGuinness at (202) 382-4770.

Sincerely,

Stephen R. Weil, Chief
Land Disposal Restrictions Branch

FaxBack # 11381